

REMARKS

Applicants respectfully requests entry of the amendments and remarks submitted herein. Claim 33 has been amended herein, and claims 2, 37-40, and 42 have been canceled without prejudice to continued prosecution. Claims 1, 3-6, 8-12, 32, 33, 35, 36, 41, and 43 are currently pending and have been indicated as allowable by the Examiner. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §112 Rejection

Claim 33 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 33 has been amended to recite "3.5 kb upstream and 5.5 kb downstream." In view of this amendment, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 37-40 stand rejected under 35 U.S.C. §112, first paragraph, because the Examiner asserted that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Without acquiescing to the Examiner's rejection, but to expedite allowance of the remaining claims, Applicants have canceled claims 37-40 without prejudice to continued prosecution. Therefore, Applicants respectfully submit that the rejection of claims 37-40 under 35 U.S.C. §112, first paragraph, is moot.

Claim 42 stands rejected under 35 U.S.C. §112, second paragraph, as the Examiner asserted that claim 42 was indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Without acquiescing to the Examiner's rejection, but to expedite allowance of the remaining claims, Applicants have canceled claim 42 without prejudice to continued

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prosecution. Therefore, Applicants respectfully submit that the rejection of claim 42 under 35 U.S.C. §112, second paragraph, is moot.

The Claim Objections

Claim 2 stands objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 2 has been canceled herein. Therefore, Applicants respectfully submit that the objection to claim 2 under 37 C.F.R. §1.75(c) is moot.

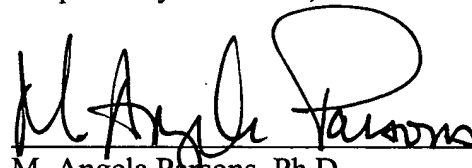
CONCLUSION

Applicants respectfully request a Notice of Allowance be issued on claims 1, 3-6, 8-12, 32, 33, 35, 36, 41, and 43. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

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